

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Mortgage Broker License of:

Case No.: 10F-BD040-SBD

3 **FRANK D. ORTWINE**
4 7502 North Central Avenue
Phoenix, AZ 85020

ORDER OF SUSPENSION

5 Respondent(s)

6
7 On October 15, 2009, the Arizona Department of Financial Institutions ("Department") issued an
8 Order of Summary Suspension and Notice of Opportunity for Hearing ("Order") in the above-referenced
9 matter. The Order summarily suspended Respondents' license due to their failure to maintain the
10 statutorily required surety bond and advised Respondents that they could request a hearing within thirty
11 (30) days of service of the Order to contest the allegations contained in the Order. The Order further
12 stated that if a timely request for a hearing was not received, the Superintendent of the Department of
13 Financial Institutions ("Superintendent") will enter the allegations in the Order as Findings of Fact and
14 Conclusions of Law and will order the suspension of Respondents' license.

15 The Superintendent now makes the following Findings of Fact and Conclusions of Law and
16 enters the following Order.

17 **FINDINGS OF FACT**

- 18 1. The Order was mailed to Respondents at their last address of record.
19 2. Respondents did not request a hearing on the Order.
20 3. At all material times, Respondents were licensed as a mortgage broker #0005672 in the
21 State of Arizona. This license expires on January 31, 2010.
22 4. Respondent Frank D. Ortwine ("Mr. Ortwine"), is a sole proprietor authorized to transact
23 business in Arizona as a mortgage broker within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of
24 Mr. Ortwine's business is that of making, negotiating, or offering to make or negotiate loans secured by
25 Arizona real property, within the meaning of A.R.S. § 6-901(11).
26

6. Pursuant to A.R.S. § 6-903(J), Respondents are required to have a surety bond in the amount set forth in A.R.S. § 6-903(K), or an alternative as set forth in A.R.S. § 6-903(M).

7. On July 31, 2009, the Department received a Cancellation Notice from Old Republic Surety Company stating that Respondent's bond, number DLI-1231302 in the amount of \$10,000.00, would be cancelled effective September 3, 2009.

8. On August 11, 2009, the Department sent a letter via certified mail to the Respondent, to the address on record with the Department, informing Respondent of the bond cancellation. The certified letter was received by Frank D. Ortwine.

9. On September 2, 2009, the Department sent an email to the Respondent, to the email address on record with the Department, informing Respondent of the bond cancellation.

10. Respondents failed to provide documentation regarding the reinstatement of their bond or documentation of a new surety bond.

11. Respondents do not have the required surety bond in order to conduct business as a mortgage broker.

12. The conduct described above constitutes grounds for the suspension of Respondents' mortgage broker license.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. Title 6 , Chapter 9, the Superintendent has the authority and duty to regulate all persons engaged in the mortgage broker business and with the enforcement of statutes, rules, and regulations relating to mortgage brokers.


2. By the conduct set forth in the Findings of Fact, Respondents have failed to maintain the surety bond required by A.R.S. § 6-903(J).

3. Respondents have not conducted business in accordance with the law and have violated Title 6, Chapter 9, which constitutes grounds for the suspension of Respondents' license pursuant to A.R.S. § 6-905(A)(3).

IT IS HEREBY ORDERED THAT Respondents' license is immediately suspended unless and until reinstated or until said license expires by operation of law.

EFFECTIVE this 11th day of January, 2010.

Thomas L. Wood
Acting Superintendent of Financial Institutions


Robert D. Clark

Robert D. Charlton
Assistant Superintendent of Financial Institutions

ORIGINAL of the foregoing filed
this 11th day of January, 2010 to:

Thomas L. Wood
Acting Superintendent of Financial Institutions
Arizona Department of Financial Institutions
Attention: Susan Longo
2910 North 44th Street, Suite 310
Phoenix, AZ 85018

COPY of the foregoing mailed or hand-delivered this 11th day of January, 2010 to:

Erin Gallagher, Assistant Attorney General
Office of the Attorney General
1275 West Washington Street
Phoenix, AZ 85007

Richard Fergus, Licensing Division Manager
Robert Charlton, Assistant Superintendent
Arizona Department of Financial Institutions
2910 North 44th Street, Suite 310
Phoenix, AZ 85018

COPY of the foregoing mailed Certified,
Return Receipt this 11th day of January, 2010 to:

Frank D. Ortwine
7502 North Central Avenue
Phoenix, AZ 85020
Respondent

By: Susan Longo